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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

JAMES E. MOON et al.)

Application No. : 10/692,457)

Filed : October 23, 2003)

For : METHOD FOR FABRICATING ESI)
DEVICE USING SMILE AND)
DELAYED LOCOS TECHNIQUES)

Atty. Dkt. No. 1153_010DIV5CON

Examiner: Olsen, Allan W.

Art Unit 1763

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following for the above referenced application:

- 1) Response to Office Action mailed on October 5, 2004;
- 2) Terminal Disclaimer; and
- 3) Information Disclosure Statement.

Applicants hereby request that the deadline for responding to the Office Action, now set to expire on January 5, 2005, be extended one month to February 5, 2005.

Attached is a check in the amount of \$430.00 which covers the \$130.00 filing fee for the Terminal Disclaimer, the \$180.00 filing fee for the Information Disclosure Statement and the \$120.00 filing fee for the One Month Extension of Time.

Please charge any deficiencies in fees due by this paper to Deposit Account No. 10-1213.

Respectfully submitted,

By: William A. Blake
William A. Blake

05/2005 HBIZUNES 00000061 10692457

FC:1251

120.00 OP

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02 FC:2251

60.00 OP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James Moon et al.

Serial Number: 10/692,457

Filed: October 23, 2003

For: METHOD FOR FABRICATING ESI
DEVICE USING SMILE AND
DELAYED LOCOS TECHNIQUES

Atty. Dkt. No. 1153_010DIV5CON

Examiner: Olsen, Allan W.

Art Unit 1763

REFUND REQUESTMailstop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On February 7, 2005, a response to an Office Action was filed in the above-referenced application along with a Terminal Disclaimer. At that time, the large entity filing fees were paid both for the Terminal Disclaimer and a one month extension of time. Although the subject application was originally filed as large entity, the application is in fact entitled to small entity status as noted in the correspondence that was filed on December 23, 2004. Accordingly, the large entity fees for the Terminal Disclaimer and one month extension of time were paid by mistake. Thus, pursuant to the provisions of

MAR. 2. 2005 2:30PM

JONES TULLAR & COOPER

NO. 1894—P. 3

37 CFR 1.26, Applicants respectfully request that the mistakenly paid excess fees in the amount of \$125.00 be refunded and credited to Deposit Account 10-1213.

Respectfully submitted,

JONES, TULLAR & COOPER, P.C.

By:

William A. Blake
William A. Blake
Reg. No. 30,548

JONES, TULLAR & COOPER, P.C.
P.O. Box 2266, Eads Station
Arlington, VA 22202
(703) 415-1500
March 2, 2005



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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
1153 010DIV5CON

In re Application of: **James E. Moon, et al.**

Application No.: **10/692,457**

Filed: **October 23, 2003**

For: **METHOD FOR FABRICATING ESI DEVICE USING SMILE AND DELAYED LOCOS TECHNIQUES**

The owner, **Kionix, Inc.**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,706,200** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. **30548**

William A. Blake
Signature

02/07/2005
Date

02/09/2005 MBIZUNES 00000060 101213 10692457

William A. Blake

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Typed or printed name

02/09/2005 MBIZUNES 00000061 10692457

(703) 415-1500

02 FC:1814

130.00 0P

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DRAH:101213 Name/Number:10692457
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